

REMARKS

Claims 1-10, 19-22 and 40-47 are present in the instant application. Claim 5 is withdrawn by the Examiner pursuant to the Restriction Requirement mailed 10 September 2003. In the most recent Office Action, Claims 1-4 and 6-9 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Pat. No. 5,852, 485 to Shimada, et al. (hereinafter, "Shimada") in view of U.S. Pat. No. 6,198,520 to Kondo, et al. (hereinafter, "Kondo"). Claim 10 is rejected under 35 U.S.C. § 103(a) as allegedly obvious over Shimada in view of Kondo, and further in view of U.S. Pat. No. 6,469,764 to Kim, et al. (hereinafter, "Kim"). Claims 19-21 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Shimada in view of Kondo and Kim, and further in view of U.S. Pat. No. 6,023,317 to Xu, et al. (hereinafter, "Xu") and U.S. Pat. No. 5,677,747 to Ishikawa, et al. (hereinafter, "Ishikawa"). Claim 22 is rejected under 35 U.S.C. § 103(a) as allegedly obvious over Shimada in view of Kondo and Kim, and further in view of U.S. Pat. No. 6,160,604 to Murai, et al. (hereinafter, "Murai").

As amended above, claims 11-18 are cancelled without disclaimer or prejudice to their subsequent reintroduction in this or a continuing application, and without acquiescence in the propriety of any standing rejections. Claims 4, 5 and 10 are amended into dependent form, dependent from claim 1. Claim 1 is amended to remove certain features, which are been presented in new dependent claims 40-42, to more clearly define the relationship among the recited elements of the claims, and for form (e.g., "pixel area"). Claim 1 as amended is fully supported throughout the original disclosure as filed, specifically at, among other places, Figs. 1A and 1B, and their accompanying description.

Certain dependent claims are also amended for consistency of form with Claim 1. No new matter has been added.

New claims 40-47 are introduced above. Claims 40-42 are each dependent from claim 1, and each recite subject matter cancelled from claim 1 by the above amendment. Claim 43 is supported throughout the original disclosure as filed, specifically at, among other places, Figs. 4A-4B and their related description. Claim 44 is supported throughout the original disclosure as filed, specifically at, among other places, Figs. 5A-5C and their related description. Claim 45 is supported throughout the original disclosure as filed, specifically at, among other places, Figs. 7A-7C and their related description. Claims 46-47 are supported throughout the original disclosure as filed, specifically at, among other places, Figs. 1A-1B and their related description. No new matter has been added. New claims 40-47 are generic to both species as defined in the 10 September 2003 Restriction Requirement.

As amended above, independent claim 1 recites a liquid crystal device comprising, *inter alia*, a gate insulation film disposed on a first substrate, a protection film disposed on the gate insulation film or plural thin film transistors, a color filter layer disposed on the protection film, and an interlayer separation film disposed above the color filter layer. Neither Shimida nor Kondo, taken alone or in any combination, teaches or suggests these features of the claims.

In contrast to the claimed invention, Shimida (see, Figs. 17, 18A, 18B) teaches only that a color filter layer (218) is disposed directly on a gate insulation film (23) of the first substrate (21). It does not teach or suggest a protection film interposed between the substrate and gate insulation film on one side, and the color filter layer on the other.

Kondo is offered for its teaching of an insulating layer (4) formed between common electrodes (2) and pixel electrodes (3). However, Kondo offers no teaching or suggestion to ameliorate the deficiency of Shimida relative to claim 1. Specifically, Kondo does not teach or suggest a protection film interposed between the substrate and gate insulation film on one side, and the color filter layer on the other. Moreover, Kondo teaches that a color filter layer (5) is disposed above the insulating layer (4). In contrast, claim 1 recites that an interlayer separation film separating the common and pixel electrodes is disposed above said color filter layer. Therefore, assuming, *arguendo*, that one skilled in the art would find motivation to combine Shimida and Kondo, the combination would still not meet the claimed invention.

It has been held by the courts that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). As shown above, neither Shimida nor Kondo, taken alone or in any combination, teaches or suggests all elements of the recited claim. Therefore, Applicant respectfully submits that the rejection of claim 1 has been obviated, and kindly requests that it be reconsidered and withdrawn.

Claims 2-4 and 6-9 each depend, either directly or indirectly, from independent claim 1. These claims are each separately patentable, but are submitted as patentable for at least the same reasons as their underlying base claim. Favorable reconsideration and withdrawal of the rejection is kindly requested.

Claims 5, 10, 19-21 and 22 also depend, either directly or indirectly, from independent claim 1. The rejection of claims 10, 19-21 and 22 are premised on the same reading of Shimida and Kondo, which has been shown above not to meet the claim 1.

None of Kim, Xu, Ishikawa or Murai, taken singly or in any combination with each other, Shimida and/or Kondo, are alleged to offer nor do they offer any teaching or suggestion to ameliorate the deficiencies of Shimida and Kondo with respect to claim 1. Claims 5, 10 and 19-22 are each separately patentable, but are submitted as patentable for at least the same reasons as underlying base claim 1.

In the interest of brevity, Applicant has addressed only so much of the rejections as is considered necessary to demonstrate the patentability of the claims. Applicant's failure to address any part of the rejection should not be construed as acquiescence in the propriety of such portions not addressed. Applicant maintains that the claims are patentable for reasons other than these specifically discussed, *supra*.

In light of the foregoing, Applicant respectfully submits that all claims recite patentable subject matter, and kindly solicits an early indication of allowability of all claims. In light of the allowability of generic claim 1, and rejoinder of withdrawn claim 5 is kindly requested. If the Examiner has any reservation in allowing all claims, and believes that a telephone interview would advance prosecution, they are kindly requested to telephone the undersigned at an earliest convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas Spinelli', with a stylized flourish at the end.

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